

COSLA submission of 12 December 2022

PE1953/C: Review Education Support staff roles

Thank you for asking COSLA to provide a response on the above Petition. COSLA and all our member local authorities are fully committed to the provision of Additional Support for Learning by providing the right kind of support to enable all children and young people to be fully included and to achieve the best they can.

You have asked us to provide information on the frequency and cost of Equal Pay claims lodged in relation to Education Support staff roles.

This is information that COSLA does not hold nor would be able to provide any breakdown in relation to.

On the points made by the Petitioner on the potential costs for current equal pay claims, the Petitioner appears to be using figures which relate to historical claims that have been settled across Councils in relation to a wide range of jobs and roles.

Historically local authorities did pay out large sums to staff, generally speaking this related to men and women doing similar roles but being paid differently. In 1999, Scottish councils and trade unions reached the Single Status Agreement. The aim of the agreement was to harmonise local government pay and employment terms and conditions and eliminate pay inequality.

In 2017 Audit Scotland published their Report [Equal Pay in Scottish Councils](#). Which notes that in 1997, a UK-wide agreement was reached to unify the pay structures of different groups of council employees. This became known as the Single Status Agreement or the 'Red Book'. This agreement covered around 1.4 million workers across the UK. Scottish councils and trade unions negotiated the Scottish version of the SSA in 1999. By harmonising employment terms and conditions and grading all jobs on the same scale.

ESS workers are part of the Local Government SJC national bargaining which is underpinned by local job evaluation schemes that properly assesses the salary of workers and ensures equality of pay across the workforce. They are represented in this by the trade unions that they are members of.

In relation to the Petition, we provide the following comment on the five asks the Petitioner has raised:

Urgently raising wages for Education Support Staff across primary and secondary sectors to £26K p/a

The Petitioner is correct that there are no national rates for non-teachers employed by local authorities to support pupils in roles which are called different things such as Pupil Support Assistants. The Petitioner makes reference to equal pay. Under the Single Status Agreement jobs within a local authority are subject to Job Evaluation which compares the skills and attributes required for different roles and determines pay levels. If one part of the local authority workforce was to have their salary increased separately (the Petitioner appears to be asking for an 85% increase from their employer) there would be a knock-on effect and all other roles would also need to be uprated in line with that increase and that therefore brings wider affordability issues that must be considered and accounted for.

Whilst various existing qualifications will be held by post holders, and these may enhance their ability to do the job, it is the job itself which will determine the pay level. Scottish Government has established a working group to look at qualifications for Pupil Support Assistants and COSLA officers are members of the working group which has been engaging with both learners and Pupil Support Staff working through what qualifications may be appropriate. This work is ongoing and is an acknowledgment of the important role support assistants play in the learning of children and young people.

Increasing the hours of the working day for ES staff from 27.5 to 35 hours

The Petitioner would like parity in contracted hours with teachers. Different hours will be worked by Pupil Support Assistants, to some extent this is about choice and meeting the needs of the pupils in the individual school, who may not require support in all activities and classroom activities. Additionally, teachers have designated non-contact time in their contracts. Pupil Support Assistants tend to be on sessional contracts, as are some other employees with roles linked to schools. In this case, when the school is closed for holidays, they are not

renumerated. Changing this would have financial implications related not only to those in support assistant roles but other roles within councils.

Allowing ESS to work on Personal Learning Plans with teachers/ take part in multiagency meetings.

As we note later, in relation to registration, the teacher in the classroom is registered and ultimately responsible for supervising the work of the Pupil Support Assistant and the wellbeing and safety of the young people in their care. Decisions on what role the Pupil Support Assistant does or does not take in Personal Learning Plans and in multiagency meetings will be determined locally. Whilst it is the Petitioners experience that they are not involved in these activities', others may be involved subject to school and teacher practice and discretion. Where that is the case local job evaluation will consider these factors.

Requiring ESS to register with Scottish Social Services Council

The Petitioner is calling for registration of Pupil Support Assistants, by either the GTCS or the SSSC. We understand this ask and note that the Scottish Government have committed to registering Instrumental Music instructors with the GTCS (though this is a much smaller workforce than those working as Pupil Support Assistants). Both the GTCS and the SSSC hold those registered to account in relation to their practice and having a large section of staff in a sensitive role unregistered is unusual. As noted however, it is the teacher in the classroom who is registered and ultimately responsible for supervising the work of the Pupil Support Assistant and the wellbeing and safety of the young people in their care.

Paying ES staff monthly

In relation to changing pay periods to impact Universal Credit payment sanctions, that question should be directed to those responsible for UK benefits. The Petitioner could also ask their employer to review pay dates however, it should be noted that unless an employee discloses to their employer that they are on Universal Credit they have no way of knowing this information, and payroll systems must cater for the whole workforce. Where individual employees do require assistance, many councils have in place access to financial inclusion services that can

assist them, and this information should be readily available through employer communication channels.

Thank you for asking us to comment on the Petition.